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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,139

06/08/2006

Fabien Divo

0604-1012

8836

466

7590

01/22/2008

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EXAMINER

HASAN, MOHAMMED A

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

01/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,139

Applicant(s)

DIVO, FABIEN

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 16 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed in the file.

Oath/Declaration

2. Oath and declaration filed on 6/8/2006 is accepted.

Information Disclosure Statement

3. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 6/8/2006 have all been considered and made of record (note the attached copy of form PTO – 1449).

Specification

4. The disclosure is objected to because of the following informalities: "Abstract" should be one paragraph and less than 150 words.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

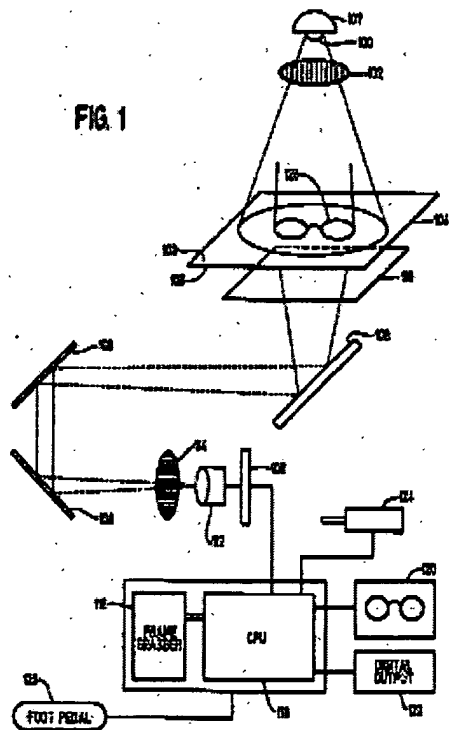
Claims 9,10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert –Garcia (5,428,448).

Regarding claim 9, Albert –Garcia discloses (refer to figure 1) a method of verifying at least one centering characteristic of an ophthalmic lens provided with markings and mounted on a frame, the method comprising the following steps: a) positioning the ophthalmic lens (126) on a support placed facing a pattern filter (102); b) using a diffuse light source (100) to illuminate the ophthalmic lens through said pattern filter; c) using a digital camera to pick up the light transmitted by the ophthalmic lens; d) processing the signal output by the digital camera (106) to determine the positions of the markings of the ophthalmic lens in a stationary frame of reference; e) determining the position of the support in the stationary frame of reference (column 4, lines 20-60).

Albert –Garcia discloses all of the claimed limitations except deducing the value of said centering characteristic from the known position of the support and from the positions of the permanent markings of the ophthalmic lens.

However, Albert –Garcia discloses digital converter 116 digitizes intensity value corresponding reference images (column 8, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide digitizes intensity image value in to the Albert –Garcia eye glass frame for the purpose of eye glass frame which lens is to be fitted as taught by Albert – Garcia (column 2, lines 25-30).



Regarding claim 10, Albert –Garcia discloses, wherein during step d), step e) is performed simultaneously (as shown in figure 1).

Regarding claim 16 , Albert –Garcia discloses, wherein in step e), the position of the support is deduced from an initial position determined during a preliminary initialization step and from a measured displacement of the support for placing the ophthalmic lens so that it faces the illumination means (as shown in figure 1, column 8, lines 1-7).

Allowable Subject Matter

6. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show, wherein in step e), the camera is used to pick up at least one positioning image formed in shadow by a passive pointer provided on the support and wherein in step f), the half-distance between the pupils is determined by calculating the distance that exists between the position of the middle of the bridge of said frame given by one of the passive pointers of said support and the position of the central point of said ophthalmic lens situated in the middle of the straight line segment interconnecting the two corresponding permanent markings of said ophthalmic lens and A method according to claim ii, wherein in step f), the height is determined by calculating the distance that exists between the position of the top or bottom edge of said frame and the position of the central point of said ophthalmic lens situated in the middle of the straight line segment interconnecting the two corresponding permanent markings of said ophthalmic lens.

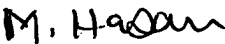
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MH
January 17, 2008


Mohammed Hasan
Examiner, Au-2873